

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

ISHMAEL A. EVANS	§	
VS.	§	CIVIL ACTION NO. 1:22cv97
BRYAN COLLIER, ET AL.	§	

ORDER

Parties instituting any civil action, suit or proceeding are required to pay a filing fee of \$402.00. The Prison Litigation Reform Act of 1996 (PLRA) requires prisoners seeking to bring civil actions to pay the full filing fee. When insufficient funds exist to pay the full fee at the time of filing, a prisoner requesting to proceed *in forma pauperis* is required to pay an initial partial filing fee of twenty percent of the greater of the average monthly balance or deposits into the prisoner's account. After payment of the initial partial filing fee, twenty percent of each preceding month's income will be deducted from Plaintiff's inmate account monthly until the full filing fee is paid.

Plaintiff failed to pay the \$402.00 filing fee at the time he filed his Complaint. Accordingly, on March 16, 2022, Plaintiff was ordered to either pay the filing fee or submit an Application to Proceed *In Forma Pauperis* and a statement certified by an authorized prison official showing his average balance in and deposits into Plaintiff's inmate trust account for the six month period immediately preceding the filing of the complaint.

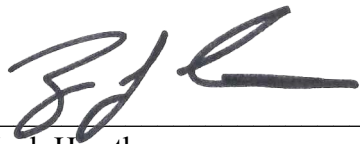
Plaintiff submitted an Application to Proceed *In Forma Pauperis* in this action (Doc. #6). A review of Plaintiff's Application, however, revealed it was not in proper form because it did not contain a statement showing the current balance in Plaintiff's prisoner account, the average monthly balance for the preceding six-month period or the average monthly income for the same period. In order for the court to assess the initial partial filing fee, it is necessary for Plaintiff to submit a statement certified by an authorized prison official showing his average balance in and deposits into Plaintiff's inmate trust account for the six month period immediately preceding the filing of the complaint. Accordingly, on April 13, 2022, Plaintiff was again ordered to either pay the filing fee

or submit an Application to Proceed *In Forma Pauperis* and a statement certified by an authorized prison official showing his average balance in and deposits into Plaintiff's inmate trust account for the six month period immediately preceding the filing of the complaint. Plaintiff's compliance was due on or before the expiration of twenty days from the date of the order.

On April 29, 2022, Plaintiff submitted a letter response to the order to pay the filing fee or submit a proper Application to Proceed *In Forma Pauperis* contending he has requested the required information from the law library, and Plaintiff provided his most recent one-month statement from the Trust Fund. As of this date, however, Plaintiff has neither paid the filing fee nor submitted a properly supported Application to Proceed *In Forma Pauperis*, preventing the court from proceeding in this action. It is therefore

**ORDERED** that plaintiff shall, within twenty (20) days from the date set forth below, submit either the \$402.00 filing fee or a proper Application to Proceed *In Forma Pauperis* which includes a statement certified by an authorized official showing the current account balance, the average monthly balance, and average monthly deposits in Plaintiff's inmate trust account during the six months immediately preceding the filing of the complaint. Failure to comply with order may result in this case being dismissed for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b). Plaintiff is notified that no further extensions of time will be granted.

SIGNED this 13th day of June, 2022.

  
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Zack Hawthorn  
United States Magistrate Judge